

## CHAPTER Ph 800 PHARMACY TECHNICIANS

Statutory Authority: RSA 318:5-a, X, XI

Adopt Ph 801 & Ph 802, previously effective 7-25-01 (Doc. # 7535) and expired on 7-25-09, to read as follows:

### PART Ph 801 PURPOSE AND SCOPE

Ph 801.01 Purpose and Scope. The provisions of this chapter shall apply to, and impose duties upon, all pharmacy technicians holding registrations issued by the board.

### PART Ph 802 DEFINITIONS

Ph 802.01 Definitions. Except where the context makes another meaning manifest, the following definitions shall apply:

(a) “Registered pharmacy technician” means a person employed by a pharmacy who can assist in performing, under the supervision of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy and other such duties and subject to such restrictions as the board has specified; and

(b) “Certified pharmacy technician” means a registered pharmacy technician who has become and who maintains national certification by taking and passing an exam recognized by the board for the purpose of certifying technicians.

Adopt Ph 803.01, previously effective 7-25-01 (Doc. # 7535), as amended in paragraphs (c) and (d) effective 2-23-06 (Doc. # 8572), and expired 7-25-09 in paragraphs (a) and (b) and 2-23-14 in (c) and (d), cited and to read as follows:

### PART Ph 803 REGISTRATION

Ph 803.01 Application.

(a) No person shall perform the functions or duties of a pharmacy technician unless such person is registered by the board.

(b) Application form PT-1 for registration of pharmacy technicians in New Hampshire may be obtained from and shall be filed at the office of the board, identified in Ph 103.03.

(c) An applicant for registration as a registered pharmacy technician shall meet the following requirements:

- (1) Be at least 16-years of age and either have a high school or equivalent diploma, or be working to achieve a high school or equivalent diploma;
- (2) Be of good moral character;
- (3) Shall not have been convicted of a drug related felony or admitted to sufficient facts to warrant such findings; and

(4) Shall have 80 hours of on the job training and be registered with the board within 15 days.

(d) Training shall be documented by the pharmacist in charge and be retrievable upon inspection.

(e) A registered pharmacy technician applying for registration as a registered certified pharmacy technician shall meet the following additional requirements:

(1) A registered pharmacy technician shall become eligible to attain certified pharmacy technician status after a minimum of 600 hours of training under the direction of a pharmacist and by passing a nationally recognized certification exam recognized by the board; and

(2) A registered pharmacy technician~~s~~, with duties involving sterile and non-sterile compounding shall complete a board approved training program before applying for certified pharmacy technician status.

(f) Applicants for registration shall submit an application form PT-1 for registration to the board that contains the following:

(1) Name, residence address, home telephone number and social security number of the applicant;

(2) Date and place of birth of the applicant;

(3) Name of current employer and address of employment site; and

(4) Applicant's signature and date.

(g) Shall truthfully answer questions on the form regarding any previous felony convictions or convictions for any drug-related offenses.

(h) Submit with application PT-1 the prescribed fee of \$50.

(i) No registered pharmacy technician shall act as a certified pharmacy technician unless their certification is current and in good standing. Anyone who does not maintain certification shall notify the board and the pharmacist in charge within 15 days of the lapse of certification. The person shall immediately become a registered pharmacy technician and shall no longer perform the additional duties of a certified pharmacy technician.

(j) Pharmacy technician applicants with previous out of state experience shall meet the requirements set by the board before obtaining certification status.

Adopt Ph 804 and Ph 805, previously effective 7-25-01 (Doc. # 7535), and expired 7-25-09, to read as follows:

#### PART Ph 804 REGISTRATIONS – CHANGES IN SUPPORTING DATA

##### Ph 804.01 Reporting Changes.

(a) The person to whom a pharmacy technician registration has been issued shall, within 15 days of change of address or location of employment, notify the board of such changes.

(b) The notice shall contain:

- (1) Name of registrant;
- (2) Address of the registrant including old and new, if applicable;
- (3) Registrant's registration number;
- (4) Name of the pharmacy where employed including former and current, if applicable;;
- (5) Certification status, if applicable; and
- (6) All new violations of law, convictions, fines, disciplines or any registration/certification/license revocations for violation of pharmacy-related drug laws/regulations in this or any other state.

## PART Ph 805 REVOCATION AND DENIAL

### Ph 805.01 Effect of Revocation and Denial.

(a) The board shall refuse to issue a registration or, after notice and hearing, shall revoke a registration whenever the board finds by the preponderance of the evidence any of the following:

- (1) That the applicant does not possess good moral character;
- (2) That the applicant, or registrant, has willfully violated any of the provisions of RSA 318, RSA 318-B or the board's administrative rules;
- (3) That the applicant has been convicted of a felony or a misdemeanor resulting from a violation of any federal, state, or local drug or pharmacy-related law, rule or regulation;
- (4) That the applicant has attempted to obtain a pharmacy technician registration by fraudulent means;
- (5) That the applicant is unable to engage in the performance of pharmacy technician functions with reasonable skill and safety by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition;
- (6) The suspension, revocation, or probation by another state of the applicant's license, permit, or registration to practice as a pharmacy technician;
- (7) That the applicant refused to appear before the board after having been ordered to do so in writing; or
- (8) That the applicant made any fraudulent or untrue statement to the board.

(b) The pharmacist-in-charge shall notify the board, in writing, within 7 calendar days after becoming aware that a pharmacy technician has adulterated, abused, stolen or diverted drugs.

(c) The board shall reinstate a registration after review, provided that the reason for revocation no longer exists, or it is determined that there is no longer a threat to public safety.

Adopt Ph 806.01 – Ph 806.03, previously effective 7-25-01 (Doc. # 7535), and expired 7-25-09, cited and to read as follows:

#### PART Ph 806 RENEWAL OF REGISTRATIONS

Ph 806.01 Renewal Registrations Required. All pharmacy technician registrations shall expire annually on March 31.

Ph 806.02 Renewal Application Where Obtained and Filed. Applications for the renewal of a registration for a pharmacy technician may be obtained from, and shall be filed at the office of the board, identified in Ph 103.03.

Ph 806.03 Renewal Application Contents and When Filed. Renewal applications shall be filed with the board in accordance with the following:

(a) Applications for renewal of a registration of a pharmacy technician shall be completed by the technician and the pharmacist in charge on Pharmacy Technician Renewal Form PT-2 last revised September 2014.

(b) The application and the prescribed fee of \$50.00 shall be filed with the board by the certified pharmacy technician no later than March 31.

Adopt Ph 806.04 – Ph 806.07, to read as follows:

#### Ph 806.04 Continuing Education Requirements for Certified Pharmacy Technicians

(a) The board of pharmacy shall not issue registration renewals unless the certified pharmacy technician indicates on the renewal application, and under unsworn falsification, that he/she has completed the minimum required hours of accredited/approved continuing pharmaceutical education courses/programs according to Ph806.04. Incomplete renewal application shall be returned to the applicant.

(b) Continuing education shall be required of all registered active or inactive certified pharmacy technicians who apply for registration renewal.

(c) All certified pharmacy technicians registered in New Hampshire shall acquire 1.0 APCET, AMA Category 1 and 2, or board approved CEU's during the 12 months immediately preceding the license renewal date of April 1<sup>st</sup> of which:

- (1) At least 0.1 live CEU's shall be earned in a didactic setting;
- (2) At least 0.1 CEU's shall be earned in error prevention or patient safety; and
- (3) Certified pharmacy technicians with duties involving sterile and non-sterile compounding shall complete a minimum of 0.2 CEU's in the area of compounding or other competencies determined by the board.

(d) Continuing education credits shall not be recognized for any repeat program attended or completed. Repeat programs shall be identified as any program didactic or correspondence which carries the same ACPET, CME or any board of pharmacy program identification number.

(e) The certified pharmacy technician shall retain all certificates and/or other documented evidence of participation in an approved/accredited continuing education program/course for a period of 3 years. Such documentation shall be made available to the board for random audit and/or verification.

(f) Not less than 10% of the registrants shall be randomly selected each year by the board for determinations of compliance with Ph806.04.

Ph806.05 Penalty. Any certified pharmacy technician who alters, forges, or intentionally falsifies or causes to be altered, forged or falsified any information, documents, or records required to be kept or submitted by this rule shall be subject to disciplinary action under RSA 318:29, II. Falsification of records shall constitute misconduct.

Ph806.06 Excess CEU's. Excess CEU's earned in one licensure period shall not be carried forward into the new licensure period for the purpose of fulfilling that year's continuing education prerequisite for licensure renewal.

Ph 806.07 CEU's from Other States. The board of pharmacy shall accept comparable continuing education units which have been approved by other boards of pharmacy provided they meet or exceed the requirements as set forth in Ph 806.

Adopt Ph 807.01, previously effective 7-25-01 (Doc. # 7535), as amended in paragraphs (a) – (c) effective 2-23-06 (Doc. # 8572), and expired 7-25-09 in paragraph (d) and 2-23-14 in paragraphs (a) – (c) and (e), cited and to read as follows:

#### PART Ph 807 PHARMACY TECHNICIANS – STANDARDS OF PRACTICE

Ph 807.01 Responsibilities and Duties. Persons subject to these rules shall comply with the following:

(a) It shall be the responsibility of the pharmacist-in-charge to identify pharmacy technicians and to assure that such persons are registered with the board as pharmacy technicians within 30 days of employment.

(b) All pharmacy technicians shall wear a name tag, identifying them as a “Registered Pharmacy Technician or “Certified Pharmacy Technician” while on duty, whichever is applicable.

(c) The pharmacist in charge shall determine the duties of each pharmacy technician based upon the needs of the pharmacy. Pharmacy technicians shall be limited to performing tasks in the preparation of prescription and non-prescription drugs and devices and to provide nonjudgmental technical support services, within their respective level.

(d) The pharmacist on duty or the supervising pharmacist may further limit the duties of a pharmacy technician.

(e) The pharmacist shall verify and confirm the correctness, exactness, accuracy and completeness of the acts, tasks, and functions undertaken by the pharmacy technician who assists the pharmacist in the practice of pharmacy.

Adopt Ph 807.02 and Ph 807.03 to read as follows:

Ph 807.02 Registered Pharmacy Technician Duties. Registered pharmacy technician duties shall include:

- (a) The processing of refill request orders;
- (b) The retrieval of prescription files, patient files and profiles and other such records pertaining to the practice of pharmacy;
- (c) The counting, weighing, measuring, pouring and reconstitution of prescription medication or stock legend drugs and controlled substances; and
- (d) The data entry of prescription orders without supervision providing they annually complete a board approved data entry module.

Ph 807.03 Certified Pharmacy Technician Duties. Registered certified pharmacy technician duties shall include:

- (a) Accepting a new oral telephone order;
- (b) Accepting an oral refill authorization from a provider;
- (c) Communicating a prescription transfer for a non-control medication to or from another pharmacy that does not maintain a common database;
- (d) Communicating orally or in writing, any medical, therapeutic, clinical, or drug information, or any information recorded on a patient profile that does not require professional judgment;
- (e) Performing the data entry of a prescription or medication order into the computer without supervision;
- (f) The task of reducing to writing a prescription left on a recording or message line. Prescription order can only be deleted by pharmacist on duty;
- (g) Preparing or compounding sterile and non-sterile compounds after completing board approved compound training;
- (h) Stocking or replenishing of an automated dispensing machine or other stock location. A certified pharmacy technician may check the medications pulled by a pharmacy technician or certified pharmacy technician against the delivery report prior to the refill of the automated dispensing machine or other stock location. A licensed health professional shall check the medication before administering to the patient. The facility shall employ bar coding, radio frequency identification (RFID), or another form of electronic bedside verification.

**Appendix**

<b>Rule</b>	<b>Statute</b>
Ph 801	RSA 318:5-a, X (a)
Ph 802	RSA 318:5-a, X (a)
Ph 803	RSA 318:5-a, X (a) & 318:15-a
Ph 804	RSA 318:5-a, (b)
Ph 805	RSA 318:5-a, X (d)
Ph 806	RSA 318:5-a, XI & 318:6-a
Ph 806.04	RSA 318:5-a, X (a)
Ph 807	RSA 318:5-a, X (b)